



DOCKET NO: C1037.70048US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No.: 10/644,052
Confirmation No.: 4791
Filing Date: August 19, 2003
For: IMMUNOSTIMULATORY NUCLEIC ACIDS
Examiner: Not yet assigned
Art Unit: 1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 10th day of November, 2004.


Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Transmitted herewith are the following documents:

- ☒ Copy of Notice to File Missing Parts of Nonprovisional Application
- ☒ Preliminary Amendment
- ☒ Executed Declarations of Invention (3)
- ☒ Replacement Drawings – Figures 13A-18B and 23
- ☒ Request for Approval and Entry of Formal Drawings (part of Preliminary Amendment)
- ☒ Fee Calculation Sheet
- ☒ Paper Copy of Substitute Sequence Listing
- ☒ Diskette with Substitute Sequence Listing
- ☒ Statement Under 37 C.F.R. §§ 1.821(f), 1.825(a) and 1.825(b)
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$2510.00 is enclosed. If a fee in a different amount is determined to be required, the Commissioner is hereby authorized to charge or credit the amount of the difference to Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Appl. No. 10/644,052
Conf. No. 4791

-2-

Art Unit 1632

Respectfully submitted,



Alan W. Steele, M.D., Ph.D.
Reg. No. 45,128
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Telephone: (617) 646-8000

Docket No. C1037.70048US00
Date: November 10, 2004
x11/15/04x



Docket No.: C1037.70048US00

Inventor(s): Krieg et al.

Serial No.: 10/644,052

Confirmation No.: 4791

Filed: August 19, 2003

CHECK BOX, if applicable:

For: IMMUNOSTIMULATORY NUCLEIC ACIDS

☐ DUPLICATE

Fee Calculation Sheet

CLAIMS	FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
	TOTAL CLAIMS (37 CFR 1.16(c))	35-20 =	15 x	\$ 18.00	= \$ 270.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	18-3 =	15 x	\$ 88.00	= \$ 1,320.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) +			\$ 300.00	= \$ 0.00
				BASIC FEE (37 CFR 1.16(a))	\$ 790.00
	Fee for Petition for Extension of Time (if any)				\$ 0.00
	Other Fees (if any)				\$ 130.00
			Total of above Calculations =		\$ 2,510.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)				\$ 0.00
	Assignment Recordation Fee (if any)				\$ 0.00
	TOTAL =				\$ 2,510.00

1. A check in the amount of \$2,510.00 is enclosed.

General Authorization to Charge Deposit Account and General Request for Extension of Time

2. a. ☒ If the filing of any paper in this application necessitates the payment of a fee under 37 CFR §§ ☒ 1.16 or ☒ 1.17, and the fee due is in an amount different from any enclosed check or if no check is enclosed, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.
- b. ☐ The applicant hereby revokes any prior authorization to charge a fee due under 37 CFR §§ ☐ 1.16 ☐ 1.17 or ☐ 1.18.
3. If the filing of any paper in this application necessitates an extension of time under 37 CFR §1.136(a), the applicant hereby requests such extension of time. If the fee due is in an amount different from any enclosed check or if no check is enclosed, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.


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Docket No.: C1037.70048US00

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/644,052	08/19/2003	Arthur M. Krieg	C01037.70048.US

Helen C. Lockhart, Ph.D.
 Wolf, Greenfield & Sacks, P.C.
 600 Atlantic Avenue
 Boston, MA 02210



CONFIRMATION NO. 4791

FORMALITIES LETTER



OC000000013809260

Date Mailed: 09/15/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 13-18, & 23.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a

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790.00 OP
 130.00 OP
 1320.000 OP

01 FC:1001
 02 FC:1001
 03 FC:1201
 02 FC:1202

substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$24944** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$25844** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$24944**
 - **\$1290** for 15 independent claims over 3.
 - **\$23364** for 1298 total claims over 20.
 - **\$290** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE